

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, FEBRUARY 10, 2015 – 7:00 P.M.

Prayer offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

The following members were present: Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Ms. Williams and Mr. Fraim.

President Fraim moved to excuse Ms. Johnson and Mr. Mr. Winn from today's meeting.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

CEREMONIAL MATTERS

1. President Fraim read a Resolution commending Lake Taylor boy's football team for capturing the 2014 4A Group State Championship played in Lynchburg, Virginia on December 13. Head Coach Hank Sawyer, Assistant Coach Floyd, Dr. Reba Jacobs-Miller, Principal, Mr. Stephen Suttmilller, Norfolk Public Schools Athletics Coordinator, Dr. Miller, Accreditation for Norfolk Public Schools and students Donnell Eure and Vernon Moore, accepted the Resolution on behalf of the team.

LAKE TAYLOR HIGH SCHOOL BOY'S FOOTBALL TEAM

WHEREAS, under the leadership of Head Coach Hank Sawyer, the Lake Taylor Titans varsity football team clinched the 2014 Group 4A State Championship on December 13 by defeating the Salem Spartans 41-16 in a dominating performance at Liberty University in Lynchburg; and

WHEREAS, this achievement marked the Titans second State football championship after winning its first in 2012; and

WHEREAS, the Lake Taylor Titans finished the 2014 season with a perfect 15-0 record highlighted by a crushing 42-14 defeat of the Dinwiddie Generals in the regional playoffs to avenge last year's loss, and an unforgettable 19-14 victory over the Monacan Chiefs in the Group 4A South Region final, won in the game's closing seconds, when a Lake Taylor field goal attempt was blocked and the ball alertly recovered by the kicker who ran into the end zone for a touchdown; and

WHEREAS, on the way to winning their well-deserved State championship, the Lake Taylor Titans represented the City of Norfolk ably and well throughout the 2014 season, earning the respect of their opponents and bringing recognition to themselves and to the City.

NOW, Therefore, Be It Resolved:

Section 1:- That the Council of the City of Norfolk hereby expresses great pride in congratulating the Lake Taylor Titans varsity football team on the occasion of winning the 2014 Group 4A State Football Championship.

Section 2:- That this resolution be recorded in the permanent proceedings of the City Council and that a copy be presented to Coach Sawyer, his staff and team.

ACTION: The Resolution as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Lease Agreement** with **D'Art Center**, for a portion of the **Selden Arcade**, a property in the City of Norfolk.

Thereupon, an Ordinance entitled, "An Ordinance approving a **Lease Agreement with D'Art Center**, for a portion of the **Selden Arcade**, a property in the City of Norfolk," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 13, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Lease Agreement** between the City of Norfolk and **Access College Foundation** for the lease of that certain property owned by the City of Norfolk and described as **7300 Newport Avenue, Suite 500**.

Thereupon, an Ordinance entitled, "An Ordinance approving a **Lease Agreement** between the **City of Norfolk**, as **Lessor**, and **Access College Foundation**, as **Lessee**, for the lease of certain property owned by the City of Norfolk described as **7300 Newport Avenue, Suite 500, Norfolk, Virginia**, and authorizing the City Manager to execute the **Lease Agreement** on behalf of the City of Norfolk," was introduced in writing and read by its title.

Alton Robinson, 735 West 35th Street spoke concerning this matter.

ACTION: The Ordinance as introduced was **adopted**, effective March 13, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving an amendment to **Exhibit A** of the **Master Development Agreement** entered into with **Professional Hospitality Resources, Inc.**, and the **Norfolk Redevelopment and Housing Authority**, **SO AS TO** correct the legal description of the project site and authorizing the conveyance of a parcel of real property to **NRHA**, as required by the amended **Exhibit A**.

Thereupon, an Ordinance entitled, “An Ordinance approving an amendment to **Exhibit A** of the **Master Development Agreement, (“MDA”)** entered into with Professional Hospitality Resources, Inc. (“PHR”) and the **Norfolk Redevelopment and Housing Authority (“NRHA”)**, **SO AS TO** correct the legal description of the project site, and authorizing the conveyance of a parcel of real estate to **NRHA**, as required by the amended **Exhibit A**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 13, 2015.

Yes: Protogyrou, Riddick, Whibley, Williams and Frain.

No: Smigiel.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Car Wash** known as ‘**Riptide Car Wash**’ on property located at **2214 East Little Creek Road**,” was introduced in writing and read by its title.

Mark Russell, 1667 Thomas A Betts Parkway, Rocky Mt., NC, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Frain.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as ‘**Residence Inn Norfolk**’ on property located at **227 West Brambleton Avenue**,” was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, #407, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Frain.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as ‘**Paint Gallery**’ on property located at **4408 Colley Avenue**,” was introduced in writing and read by its title.

Kim Keene, 1024 Jamestown Crescent, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Frain.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as ‘**Courtyard Downtown Norfolk**’ on property located at **520 East Plume Street**,” was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, #407, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Frain.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to operate an **Automobile Sales and Service** establishment named ‘**Import Cycle Center**’ on property located at **5328 East Virginia Beach Boulevard**,” was introduced in writing and read by its title.

Jake Kahle, 5328 East Virginia Beach Boulevard, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Commercial Drive-Through** for ‘**Taco Bell**’ on property located at **649 North Newtown Road**,” was introduced in writing and read by its title.

Ford Mason, 6612 Stoney Point North and Bret Underwood, 999 Waterside Drive # 2525, were present to answer questions

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the City as Administrative and Fiscal Agent for the **Norfolk Transitional Grant Area (TGA) Under Title I** of the **Ryan White Comprehensive Aids Resources Emergency (CARE) Act** to accept **Part A** grant funds in the amount of \$7,000,204.00 from the **U.S. Department of Health and Human Services** for **HIV/AIDS** health and support services and appropriating and authorizing expenditure of the grant funds,” was introduced in writing and read by its title.

Christine Carroll, Program Manager, Ryan White Title 1, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the acceptance of up to \$20,000 in grant funds from the **Commonwealth of Virginia Department of Social Services** and **United Methodist Family Services**, appropriating the funds and authorizing the expenditure of the funds for an **Adoption Incentive Program**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the conveyance to the **City of Norfolk** by **Norfolk Redevelopment and Housing Authority** certain parcels of property that are currently part of the **Midtown Industrial Conservation Project** and the **Central Brambleton Conservation Project**, and authorizing the City Manager to accept the **Deed** on behalf of the City,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

R-10

Letter from the City Manager and a Resolution entitled, “A Resolution approving the formation of legal entities by the **Norfolk Redevelopment and Housing Authority** to facilitate the revitalization of the **Grandy Village Community**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance to repeal one **Subsection of Sections 25-651 and 653**, and to amend and reordain **Sections 25-649, 651, 652 and 654** of the **Norfolk City Code, 1979**, **SO AS TO** add two new right turn on red prohibitions, four new u-turn prohibitions, two new one-way streets, and nine new stop intersections,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

R-12

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Portfolio Recovery Associates, L.L.C.**, in the amount of \$73,479.50 plus interest based upon the overpayment of its business license tax for tax years 2011 through 2013,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

R-13

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **PRA Receivables Management, LLC** in the amount of \$181,244.95, plus interest, based upon the overpayment of its business license tax for the tax years 2011 through 2013,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective February 10, 2015.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams and Fraim.

No: None.

NEW BUSINESS

1. John Luker, 1432 Cedar Lane, spoke to Council about how it is not safe to walk or cross at 49th and Quarantine Streets, stating that some type of traffic signal or a cross walk needs to be installed. He also noted his support for efforts to mitigate coal dust emanating from the Lambert's Point Coal Terminal.
2. The following persons spoke regarding coal dust from the Lambert's Point Coal Terminal noting concerns over its effects on health and the environment and requesting Council adopt a Resolution to reduce coal dust in Norfolk neighborhoods coming from Norfolk Southern's coal terminal operation.
 - Joe Cook, 1147 Surrey Crescent. Mr. Cook submitted a petition requesting the Resolution and signed by approximately 375 citizens.
 - Gary Medlin, 1028 Hillview Boulevard, Virginia Beach, VA.
 - Dave Potvin, 1226 East Ocean View Avenue.
 - Georgette Constant, 1342 Westover Avenue
 - Ray Gregory, 1342 Westover Avenue.
 - Marjorie Parker, 2061 Lyndora Road.
 - David Ferraro, 5810 Upper Brandon Place.
 - Donna Digati, 5810 Upper Brandon Place.
 - Connie Hannah, 7467 Hampton Boulevard.
3. The following persons express their concerns about the recent decision that was made by Council on the election of school board members.
 - Andria McClellan, 531 Warren Crescent.
 - Thomas Calhoun, 5443 Welaka Road.
 - Danny Lee Ginn, 3845 Dare Circle.
4. Alton Robinson, 735 West 35th Street, spoke to Council about parolees being released after serving 20 years in prison, asking what resources are available for them, election of the school board members and coal dust.